



Docket No.: 240720US6YA

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/673,376
Applicants: John A HUGHES, et al.
Filing Date: September 30, 2003
For: METHOD AND SYSTEM FOR INTRODUCTION OF
AN ACTIVE MATERIAL TO A CHEMICAL
PROCESS
Group Art Unit: 1763
Examiner: ARANCIBIA, MAUREEN G.

SIR:

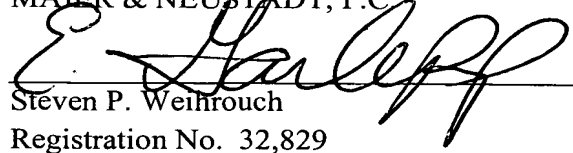
Attached hereto for filing are the following papers:

Provisional Election

Our credit card payment form in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

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DOCKET NO: 240720US



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
JOHN A HUGHES, ET AL. : EXAMINER: ARANCIBIA, MAUREEN G.
SERIAL NO: 10/673,376 :
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 1763
FOR: METHOD AND SYSTEM FOR :
INTRODUCTION OF AN ACTIVE
MATERIAL TO A CHEMICAL PROCESS

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election requirement dated September 2, 2005, Applicants provisionally elect with traverse Group I, Claims 1-26 and 39, drawn to a plasma processing apparatus, and further elect Species A, the embodiment in which the active component is a solid, for further examination on the merits. Applicants identify Claims 1, 3, 11, 12, 18, 20, 22 and 23 as reading on Species A. Applicants note that Claim 1 is generic to Claims 2-26, and Claim 18 is generic to Claims 19-26. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Election Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Although the outstanding Official Action identifies different search classifications, it is believed that the claims of the present application would have to be searched in a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

Therefore, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-39 be conducted.


Respectfully submitted,

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